

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

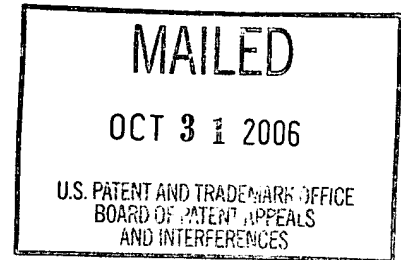
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex Parte WOORYOUNG KIM and SEKHAR R. SARUKKAI

Appeal No. 2006-1725
Application No. 09/732,621

ON BRIEF



Before KRASS, JERRY SMITH and HOMERE, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 1-13, which constitute all the claims in the application.

The disclosed invention pertains to a method and apparatus for locating a remote resource using a system core.

Representative claim 1 is reproduced as follows:

1. A method of locating a remote resource using a system core, the method comprising:

receiving a query from a client;

sending the query from the system core to a remote core over a communication network; and

in response to the query, receiving from the remote core a message identifying a remote resource.

The examiner relies on the following reference:

Bae et al. (Bae)	6,295,531	Sep. 25, 2001
		(filed Nov. 09, 1998)

Claims 1-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the disclosure of Bae.

Rather than repeat the arguments of appellants or the examiner, we make reference to the briefs and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the examiner and the evidence of anticipation relied upon by the examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellants' arguments set forth in the briefs along with the examiner's rationale in support of the rejection and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the disclosure of Bae does not fully meet the invention as set forth in claims 2, 6, 7, 9, 12, and 13. We reach the opposite conclusion with respect to claims 1, 3-5, 8, 10, and 11. Accordingly, we affirm-in-part.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983).

The examiner has indicated how the claimed invention is deemed to be fully met by the disclosure of Bae [final rejection and answer, pages 3-4]. With respect to claims 1, 3, 4, 8, 10, and 11, which are argued as a single group by appellants, appellants argue that the portions of Bae cited by the examiner fail to support the rejection. Specifically,

appellants argue that if the client of Bae is the system core, then the rejection lacks the element of receiving a query from a client as claimed. Appellants also argue that the URL of the database does not qualify as identifying a remote resource. According to appellants, the user in Bae already knows the location of the database because the user must specify the database he wants to query. Appellants also argue that the hyperlink identified by the examiner as identifying a remote resource identifies the Cool ICE server rather than a remote resource. Finally, appellants argue that if the examiner is arguing that the contents of the web page are a remote resource, nothing in Bae suggests that the contents of the web page returned by the database meets the claim limitation [brief, pages 4-7].

The examiner responds that the claims do not recite “locating a resource.” The examiner also responds that appellants’ position that the user already knows the location of the database is in error because the URL identifies the location of a resource not previously identified by the user [answer, page 4].

Appellants respond that the examiner’s position still fails to make the elements of Bae match the limitations of claims 1 and 8. Appellants argue that the user registration profile of Bae cannot meet the recitations of these claims. Appellants respond that the URL of the Cool ICE server cannot be the remote resource of claims 1 and 8 [reply brief, pages 2-3].

We will sustain the examiner’s rejection of claims 1, 3, 4, 8, 10, and 11. We find that the invention of representative claim 1 can be read on the disclosure of Bae. We read the claimed “remote resource” on the information stored at the remote database of the company. The system core is the client’s computer. The client is the user seeking information from the company. The client’s computer in Bae receives a query from the client and sends the query to the Cool ICE server (remote core). The Cool ICE server formats the search request (query) and obtains the appropriate information (remote resource) from the remote database. This information is then returned to the client. We find that the locating of the information (remote resource) in Bae and the sending of this information (remote resource) back to the client constitutes an identification of the

information (remote resource) within the meaning of claim 1. When the limitations of claim 1 are interpreted in this manner, then the invention of claim 1 is fully met by Bae.

With respect to claims 2 and 9, which are argued as a single group by appellants, appellants argue that the examiner has failed to identify how Bae corresponds to the claimed invention. Appellants argue that the client in Bae is incapable of running the query in an advertising service associated with the system core [brief, pages 7-8]. The examiner disagrees noting that Bae discloses that the Cool ICE system may serve as an Internet access provider for the client and as part of an Intranet or other localized network link [answer, page 4]. Appellants respond that the examiner has equated the advertising service with both the remote core and the system core [reply brief, page 4].

We will not sustain the examiner's rejection of claims 2 and 9. In the examiner's rejection, the client's computer is identified as the system core, and the Cool ICE server is identified as the remote core. We made the same identification in our discussion of claim 1 above. Claim 2 recites that prior to sending the query from the system core to the remote core, the query is run in an advertising service associated with the system core. Although the examiner has read the system core on the client's computer, and has acknowledged that the advertising service runs in the Cool ICE server (remote core), the examiner finds, nevertheless, that the query in Bae is run in an advertising service associated with the system core. We agree with appellants that the only reasonable reading of claim 2 on the disclosure of Bae is that the advertising service of Bae is associated with the remote core rather than the system core and it is not possible to run the query in an advertising service associated with the system core and not prior to sending the query as claimed.

With respect to claim 5, appellants argue that the examiner has failed to identify the structure of Bae that corresponds to the advertising service of claim 5 [brief, page 9]. The examiner responds that the Cool ICE homepage identifies a structure that corresponds to an advertising service as claimed [answer, pages 4-5]. Appellants respond that the data wizard of the Cool ICE system of Bae is not an advertising service as required by claim 5, but is a script writer instead [reply brief, page 4].

We will sustain the examiner's rejection of claim 5. Claim 5 broadly recites that the query is run against an advertising service associated with the remote core. There is no definition of the term "advertising service" set forth in this application. The examiner has reasonably found that the Cool ICE server of Bae identifies a structure that corresponds to an advertising service. Appellants have argued that the data wizard of the Cool ICE server is not an advertising service, but appellants' scant explanation fails to persuade us that the Cool ICE server of Bae does not set forth an advertising service structure as found by the examiner. Therefore, based on the evidence before us, we agree with the examiner that the invention of claim 5, when given its broadest reasonable interpretation, is fully met by Bae.

With respect to claims 6, 7, 12, and 13, which are argued as a single group by appellants, appellants argue that the examiner has failed to identify how Bae corresponds to the claimed invention. Appellants argue that the examiner has not shown how Bae accesses remote data sources [brief, pages 7-11]. The examiner disagrees noting that the portal in Bae is the path of communication that guides to the Cool ICE Homepage [answer, page 5]. Appellants respond that the path of communication identified by the examiner as the portal cannot run the query as claimed [reply brief, pages 4-5].

We will not sustain the examiner's rejection of claims 6, 7, 12, and 13. We agree with appellants that the portal identified by the examiner, which is the path of communication, does not run the query. The query in Bae is run in the Cool ICE server. The Cool ICE link in Bae, which permits access to the Cool ICE server, is a portal to the Cool ICE server, but the link or portal, by itself, does not run the query of claim 1. Therefore, we find that the examiner's proposed reading of claims 6 and 12 on Bae does not satisfy the limitations of these claims.

In summary, we have sustained the examiner's rejection with respect to claims 1, 3-5, 8, 10, and 11, but we have not sustained the rejection with respect to claims 2, 6, 7, 9, 12, and 13. Therefore, the decision of the examiner rejecting claims 1-13 is affirmed-in-part.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED-IN-PART



ERROL A. KRASS
Administrative Patent Judge



JERRY SMITH
Administrative Patent Judge



JEAN R. HOMERE
Administrative Patent Judge

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